

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PACIFIC COAST FEDERATION OF  
FISHERMEN'S ASSOCIATIONS, *et al.*,

Plaintiff,

v.

GINA RAIMONDO, *et al.*,

Defendants.

No. 1:20-cv-00431-DAD-EPG

ORDER REQUIRING SUPPLEMENTAL  
JOINT FILING

THE CALIFORNIA NATURAL  
RESOURCES AGENCY, *et al.*,

Plaintiffs,

v.

GINA RAIMONDO, *et al.*,

Defendants.

No. 1:20-cv-00426-DAD-EPG

ORDER REQUIRING SUPPLEMENTAL  
JOINT FILING

The undersigned has received and preliminarily reviewed the documents filed thus far in connection with the pending motions for voluntary remand and injunctive relief in the above-captioned case. These filings, which do not yet include any replies, consist of more than 2,000 pages of briefs, declarations, and attachments, not including the numerous instances in which the

1 briefs and declarations incorporate by reference other briefs and declarations from earlier-filed  
2 motions. Put simply, the parties have buried the court in paper. While the parties (and the dozens  
3 of lawyers and experts involved) may believe this is necessary to explain their competing  
4 positions considering the complicated and consequential factual and legal issues at stake in this  
5 action, the reality is that no court—even a court with little else to do—could possibly digest this  
6 amount of material in the timeframe in which the parties expect the court to act.

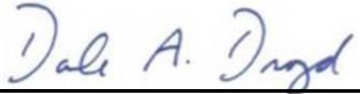
7       Among the central problems the court faces in traversing this mire is the fact that the  
8 briefs have all but completely obscured the specific protective measures being debated. For this  
9 reason, the court directs the parties to collaborate to produce a document that will present the  
10 competing proposals in a more organized manner. Specifically, the court requests a chart (or  
11 concise document that serves a similar purpose) organized according to the primary issues in  
12 dispute (e.g., Shasta Reservoir Operations, including carryover storage and temperature  
13 management on the Upper Sacramento River; and in-Delta operations, including Old and Middle  
14 River reverse flow constraints, any inflow:export ratio, and “storm flex”) that will allow the court  
15 to compare the prescriptive measures proposed by each set of parties. At this stage, this  
16 document should not include any argument about the relative merit of any of these measures.

17       To be more specific, to the extent any party is incorporating by reference measures set  
18 forth in any regulatory document, those measures must be specifically delineated, at least in  
19 summary form. So, for example, to the extent the plaintiffs in the *Pacific Coast Federation of*  
20 *Fishermen’s Association* case are requesting imposition of measures set forth in the 2008/2009  
21 biological opinions, they should list and briefly describe those incorporated measures and any  
22 requested measures that depart from those biological opinions. Likewise, for Federal Defendants  
23 and State Plaintiffs, where the measures incorporate aspects of the 2019 biological opinions  
24 and/or the 2020 State Incidental Take Statement, those incorporated measures must be listed and  
25 briefly described. Finally, if Defendant-Intervenors believe it is absolutely necessary to add a  
26 third column (or section) to show the protective measures they believe should remain in place by  
27 default, they may do so. In creating this chart, wherever requested measures are drawn from  
28 existing regulatory documents, the parties should provide brief, shorthand references to those

original regulatory documents—not to declarations or briefs. The document shall be filed as soon as possible but no later than noon on January 24, 2022 and shall be emailed to the court at [dadorders@caed.uscourts.gov](mailto:dadorders@caed.uscourts.gov) in an editable format.

IT IS SO ORDERED.

Dated: **January 17, 2022**

  
UNITED STATES DISTRICT JUDGE